

REMARKS

Claims 1, 2, 7, 19, 20, 29, 30, 32 and 34 are pending. By this Amendment, claims 1, 19, 20, 32, and 34 are amended, and claims 8 and 33 are cancelled without prejudice or disclaimer. No new matter is added.

Claim 1 is amended to include the features of claim 8, and claim 19 is amended to include a feature of claim 20. Support for the amendment to claim 32 is found, at least in paragraph [0033], [0037], [0038], and [0064]. Claim 34 is amended to revise its dependency.

For the following reasons, reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §102:

On page 2 of the Office Action, claims 1, 2, 7, 8, 19, 20, 29, 30, and 32-34 are rejected under 35 U.S.C. §102(b) as being anticipated by Ito et al. (U.S. Patent 6,160,778). The rejection of cancelled claims 8 and 33 is moot. The rejection of the remaining claims is respectfully traversed.

It is respectfully submitted that Ito fails to disclose or suggest, the temporary defect management information that includes information on a position of the temporary defect information, as defined in claims 1, 19, and 32.

Also, it is respectfully submitted that Ito fails to disclose or suggest a write-once disc, as recited in claims 1 and 19, and that the storage medium is a write-once storage medium, as defined in claim 32.

In the Office Action, it is alleged that the SDL header 20 and the number of SDL entry information 21 of Ito are the temporary defect management information defined in claims 1, 19, and 32. Accordingly, it is alleged that the SDL header 20 and the number of SDL entry information 21 of Ito includes information on a position of the temporary defect information. Applicants disagree because the SDL header 20 and the number of SDL entry information 21 are not temporary defect management information and specifically do not include information on a position of the temporary defect information.

As the temporary defect information, the Office Action points to the status fields 22b and

22c of Ito. Ito discloses that the status field 22b is for storing information which indicates the location of the defective sector, and the status field 22c is for storing information which indicates the location of a replacement sector for the defective sector (see, for example, col. 10, lines 31-36, and FIG. 2 of Ito).

Under the interpretation of the Office Action, the SDL header 20 and the number of SDL entry information 21, as temporary defect management information, should then contain information on the positions of the status fields 22b and 22c (as the alleged temporary defect information). Such is not the case because the SDL header 20 and the number of SDL entry information 21 simply contain an identifier which identifies the list (that is the secondary defect list 13) as an SDL, and the number of SDL entries that indicate the number of SDL entries registered in the SDL, respectively (see, for example, col. 10, lines 22-26, and FIG. 2 of Ito).

As a secondary matter, other portions of the defect management information 10 of Ito that is part of the defect management information area 4b also fail to include information on a position of the temporary defect information. Rather, the defect management information 10 simply includes a disk definition structure 11, and a primary defect list PDL 12, in addition to SDL 13.

Therefore, Ito fails to disclose or suggest the temporary defect management information that includes information on a position of the temporary defect information, as defined in claims 1, 19, and 32.

Additionally, Ito fails to disclose or suggest a write-once disc, as recited in claims 1 and 19, and that the storage medium is a write-once storage medium, as defined in claim 32, because Ito specifically states that disk 1 of Ito is a rewriteable information recording medium (see, for example, col. 9, line 15 of Ito). However, it is stated in the Office Action on page 5 that the disk 1 of Ito is a write-once storage medium because new data (entries files B-C) are not written to previously written data (entry file A).

Applicants note that entries files B-C are not written over entry file A simply because entries files A, B, and C are all being written to the disk 1 of Ito. However, because Ito discloses rewriteable information recording medium, entries files B-C may be written over entry file A (that is in the same area) if entry file A is to be written over with entry files B-C. It is respectfully submitted that a write-once disk is known in the art as a non-rewritable disk, which is not shown by Ito.

Further, Ito fails to disclose a defect management area, which is in addition to the

temporary defect management area, as defined in claims 1, 19, and 32. Rather, Ito discloses a control data area 4a and a defect management information area 4b in the disk information area 4 (for example, FIG. 1A, and 2 of Ito). Neither the control data area 4a nor the defect management information area 4b is the recited temporary defect management area. Further, the control data area 4a, and a defect management information area 4b fails to disclose a defect management area, which is in addition to the temporary defect management area, as defined in claims 1, 19, and 32.

Based on the above, claims 1, 19, and 32 are patentably distinguishable over the applied reference. Claims 2, 7, 8, 29, and 30, which depend from claim 1, claim 20, which depends from claim 19, and claims 33 and 34, which depend from claim 32, are likewise patentably distinguishable over the applied reference for at least the reasons discussed above, and for the additional feature they recite.

Specifically, Ito fails to disclose or suggest that the corresponding temporary defect information and temporary defect management information are recorded as a pair of information in the temporary defect management area, as recited in claim 7.

Withdrawal of the rejection is respectfully requested.

RESPONSE TO EXAMINERS RESPONSE:

Applicants rely upon the above remarks in response to the Examiner's Response to Arguments state on page 6 of the Office Action.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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